

capsules each contained  $\frac{1}{2}$  grain of salol, and  $\frac{1}{2}$  grain of either cinchonine salicylate or cinchonidine salicylate, whereas they contained less than  $\frac{1}{2}$  grain of salol, they contained less than  $\frac{1}{2}$  grain of cinchonine salicylate or cinchonidine salicylate, and did contain a small proportion of a salt of one or more cinchona alkaloids, largely, if not entirely, quinine.

On January 2, 1933, the defendant entered a plea of nolo contendere to the information, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20597. Adulteration and misbranding of drug tablets. U.S. v. John A. Borneman. Plea of guilty. Fine, \$100. (F. & D. no. 29396. I.S. nos. 43027, 43028.)**

This action was based on the interstate shipment of two lots of drug tablets. Analyses showed a shortage of acetphenetidin in one of the products, and a shortage of strychnine sulphate in the other product.

On January 11, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against John A. Borneman, Norwood, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, on or about February 6, 1932, from the State of Pennsylvania into the State of New Jersey, of quantities of drug tablets that were adulterated and misbranded. One product was labeled in part: "50 Acetphenetidin 1 gr. Eupatorium Tr. Bryonia Tr. Gelsemium Tr." The remaining product was labeled in part: "54 Strychnine Sulph 1-60 gr. Strophanthus Tr. 2 drops Digitalis Tr. 2 drops." Both products were further labeled: "John A. Borneman Homeopathic Manufacturing Pharmacist Norwood, Pa."

It was alleged in the information that the articles were adulterated in that they fell below the professed standard and quality under which they were sold, in that the former was represented to contain 1 grain of acetphenetidin, and contained less than so represented, namely, 0.8 grain of acetphenetidin; and the latter was represented to contain 1-60 grain of strychnine sulphate, and contained less than so represented, namely, not more than 1-75 grain of strychnine sulphate.

Misbranding was alleged for the reason that the statements, "Acetphenetidin 1 gr." and "Strychnine Sulph 1-60 gr.", borne on the labels of the respective products, were false and misleading.

On March 20, 1933, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$100.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20598. Misbranding of Yum for Headache. U.S. v. 477 25-cent and 100 10-cent Boxes of Yum for Headache. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29887. Sample nos. 21593-A, 21594-A.)**

Examination of the drug preparation, Yum for Headache, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling. The label bore a declaration of the phenacetin (acetphenetidin) present in the article, but failed to state that phenacetin is a derivative of acetanilid.

On February 24, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 477 25-cent and 100 10-cent boxes of Yum for Headache, remaining in the original unbroken packages at Hoboken, N.J., alleging that the article had been shipped in interstate commerce, on or about February 8, 1933, by the Ex-Lax Manufacturing Co., from Brooklyn, N.Y., to Hoboken, N.J., and charging misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Yum \* \* \* Yum Products Corp., Brooklyn, N.Y."

Analysis of a sample of the article by this Department showed that the tablets each contained approximately 2 grains of acetphenetidin (phenacetin), 2 grains of acetylsalicylic acid, and  $\frac{1}{2}$  grain of caffeine.

It was alleged in the libel that the article was misbranded in that the label failed to bear a statement of the quantity or proportion of phenacetin (a derivative of acetanilid) contained in the article, in the manner required by the regulations for the enforcement of the Food and Drugs Act, since the state-

ment appearing on the label did not carry the information that phenacetin is a derivative of acetanilid. Misbranding was alleged for the further reason that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (25-cent carton and tin container) "Recommended for the relief of \* \* \* Grippe"; (circular) "Recommended for the relief of \* \* \* Grippe. \* \* \* For \* \* \* Grippe"; (10-cent carton and tin container) "Recommended for the relief of \* \* \* Grippe."

On March 20, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20599. Misbranding of Q. W. sulphur compound solution U.S. v. Henry Vibert (Q-W Laboratories). Plea of guilty. Fine, \$50. (F. & D. no. 28076. Dom. no. 34037.)**

Examination of the Q. W. sulphur compound solution on which this action was based disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 7, 1933, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Henry Vibert, trading as the Q-W Laboratories, Bound Brook, N.J., alleging shipment by said defendant in violation of the Food and Drugs Act, as amended, on or about January 12, 1931, from the State of New Jersey into the State of New York, of a quantity of Q. W. sulphur compound solution that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of sodium polysulphide, sodium thiosulphate, and water.

It was alleged in the information that the article was misbranded in that certain statements, designs, and devices regarding its therapeutic and curative effects, appearing on the labels of the bottles containing the article, falsely and fraudulently represented that it was effective as an aid in the treatment of fester sores, raw spots, ringworms, and similar surface skin irritations and wounds; effective as an aid in the treatment of certain forms of eczema due to impure blood and similar disorders in dogs, and to help purify blood and sweeten stomachs of dogs; effective as an aid in the treatment of certain forms of ulcers, fester sores, mouth cankers, sore gums, eruptions, sore feet in humans and other animals; and effective as an aid in the treatment of sores, tears, bites, and scratches of dogs.

The interstate shipment of the product also involved a violation of the Insecticide Act of 1910 (I. & F. no. 1574, N. J. no. 1270), both violations being covered by one information. On May 3, 1933, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$50 as penalty for violation of both acts.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20600. Misbranding of C. L. Sheppard's Magic liniment. U.S. v. Clark Locy Sheppard (C. L. Sheppard Sanatorium & Remedy Co.). Plea of nolo contendere. Fine, \$50 and costs. (F. & D. no. 29359. I.S. no. 52246.)**

Examination of the drug preparation, C. L. Sheppard's Magic liniment, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed on the bottle and carton labels and in a circular shipped with it.

On January 23, 1933, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Clark Locy Sheppard, trading as C. L. Sheppard Sanatorium & Remedy Co., Findlay, Ohio, alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about November 27, 1931, from the State of Ohio into the State of Indiana, of a quantity of the said C. L. Sheppard's Magic liniment that was misbranded.

Analysis of a sample of the article by this Department showed that it consisted essentially of a light petroleum oil containing a small proportion of turpentine oil.